

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2015-43
Pharmacy Support Person Registration of)	
)	
KAREN BEAN)	NOTICE OF HEARING &
Registration No. 3456)	STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17 A.18(3) (2015). Respondent was issued Iowa pharmacy support person registration number 3456. Respondent's license is currently active.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 3, 2015, before the Iowa Board of Pharmacy. The hearing shall be held during the morning session, beginning at 9:00 a.m. and shall be located in the Board conference room located at 400 S. W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address.

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@iowa.gov.

Communications. You may contact the Board office (515)281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may also direct questions relating to settlement of these proceedings to Assistance Attorney. General Meghan Gavin at (515)281-6736.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148C, and 272C and 657 Iowa Administrative Code chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 Iowa Administrative Code rule 35.21.

C. CHARGES

Count I

UNETHICAL CONDUCT OR PRACTICE HARMFUL OR DETRIMENTAL TO THE PUBLIC

Respondent is charged with engaging in unethical conduct or practice harmful or detrimental to the public in violation of Iowa Code sections 147.55(3) and 155A.6B(5) and 657 Iowa Administrative Code rules 5.25(4), 5.26(1) and 36.1(4)(c).

Count II

OBTAINING OR POSSESSING PRESCRIPTION DRUGS WITHOUT LAWFUL AUTHORITY

Respondent is charged with obtaining, possessing, or attempting to obtain or possess prescription drugs without lawful authority in violation of Iowa Code sections 147.55(9) and 155A.6B(5) and 657 Iowa Administrative Code rules 5.26(1) and 36.1(4)(aj).

Count III

DIVERSION OF PRESCRIPTION DRUGS

Respondent is charged with diverting a prescription drug from a pharmacy for personal use or distribution in violation of Iowa Code sections 147.55(9) and 155A.6B(5) and 657 Iowa Administrative Code rules 5.26(1) and 36.1(4)(ak).

D. FACTUAL CIRCUMSTANCES

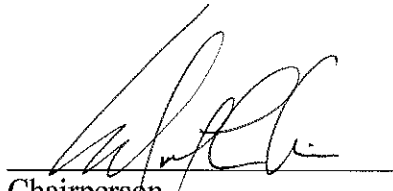
1. Respondent worked as a full-time assistant manager and pharmacy support person for HyVee.
2. The pharmacy received reports from customers that tablets were missing from hydrocodone prescriptions.
3. Closed circuit TV footage revealed that Respondent accessed some bags of filled prescriptions.
4. Respondent admitted to taking hydrocodone tablets from filled prescription bags on 10-15 occasions.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code rule 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Meghan Gavin.

F. PROBABLE CAUSE FINDING

On this the 1st day of September 2015, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street Suite E
Des Moines, Iowa 50309-4688

cc: Meghan Gavin
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Karen H. Bean
575 Ashton Place NE #7
Cedar Rapids, IA 52402

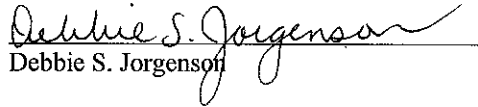
PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

<input type="checkbox"/> personal service	<input checked="" type="checkbox"/> first class mail
<input checked="" type="checkbox"/> certified mail, return receipt requested	<input type="checkbox"/> facsimile
Article Number 9171999991703106714900	<input type="checkbox"/> other _____

on the 24th day of September, 2015.

I declare that the statements above are true to the best of my information, knowledge and belief.


Debbie S. Jorgenson